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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,522	04/01/2004	Hideki Kurokawa	P/1866-70	3472
2352	7590	09/17/2008	EXAMINER	
OSTROLENK FABER GERB & SOFFEN			RAMPURIA, SHARAD K	
1180 AVENUE OF THE AMERICAS				
NEW YORK, NY 100368403			ART UNIT	PAPER NUMBER
			2617	
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			09/17/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/815,522	KUROKAWA, HIDEKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	SHARAD RAMPURIA	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 25 June 2008.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-11 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Novakov** [US 6571103] in view of **Larsson; Mikael et al.** [US 6463307 B1].

As per claims 1, 8, **Novakov** teaches:

A radio network system having a radio base station (10; Fig.1) connected to a communication line and utilizing radio as data transfer medium and a plurality of radio mobile terminals (26; Fig.1) connected via the radio base station to the communication line and utilizing the radio, (Abstract) wherein:

The radio base station includes means for managing the radio mobile terminal as to whether the terminal is in a power-saving mode for saving power by intermittent power reception and a normal mode with power received at all times on the basis of a predetermined protocol, (i.e. Upon receipt of the call indication (step 68), the local station 10 sends an activation code to the mobile station 26 (step 70). This activation or wake-up code causes the mobile station to end its power saving mode and to resume an active (working) mode of operation; Col.7; 29-34) and

Means for reporting the reception of the inquiry to the radio mobile terminal operating in the power-saving mode to urge the pertinent radio mobile terminal to switch to the normal mode. (i.e. activate wake-up code; Col.7; 29-34 and Col.7; 52-61)

Novakov doesn't teach specifically, means for receiving and discriminating by an apparatus at a first node of the radio network system broadcast packets traveling over the communication line addressed to the radio mobile terminal operating in the power-saving mode and, when a broadcast packet concerning a physical address inquiry is found among the broadcast packets traveling over the communication line addressed to the radio mobile terminal, responding to the broadcast packet by the apparatus as an agent for the radio mobile terminal to solve the physical address inquiry. However, **Larsson** teaches in an analogous art, that means for receiving and discriminating by an apparatus at a first node of the radio network system broadcast packets traveling over the communication line addressed to the radio mobile terminal, operating in the power-saving mode and, when a broadcast packet concerning a physical address inquiry is found among the broadcast packets traveling over the communication line addressed to the radio mobile terminal, responding to the broadcast packet by the apparatus as an agent for the radio mobile terminal to solve the physical address inquiry. (i.e. agent; col.10; 23-61) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Novakov including means for receiving and discriminating by an apparatus at a first node of the radio network system broadcast packets traveling over the communication line addressed to the radio mobile terminal operating in the power-saving mode and, when a broadcast packet concerning a physical address inquiry is found among the broadcast packets traveling over the communication line addressed to the radio mobile terminal, responding to the broadcast packet

by the apparatus as an agent for the radio mobile terminal to solve the physical address inquiry in order to provide a system that require frequent connectivity testing an agent can be provided in the BS to answer connectivity test inquiries on behalf of the mobile terminal. The mobile terminal can communicate periodically with the BS to update information the agent uses to respond to the test inquiries, while remaining in the hibernation state.

As per claims 2, 9, Novakov teaches:

A radio network system having a radio base station (10; Fig.1) connected via an external control unit (12; Fig.1) to a communication line and utilizing radio as transfer medium and a plurality of radio mobile terminals (26; Fig.1) connected via the radio base station to the communication line and utilizing the radio, (Abstract) wherein:

The external control unit includes means for managing the radio mobile terminal as to whether the terminal is in a power-saving mode for saving power by intermittent power reception and a normal mode with power received at all times on the basis of a predetermined protocol, (i.e. Upon receipt of the call indication (step 68), the local station 10 sends an activation code to the mobile station 26 (step 70). This activation or wake-up code causes the mobile station to end its power saving mode and to resume an active (working) mode of operation; Col.7; 29-34) and for reporting the reception of the physical address inquiry to the radio mobile terminal operating in the power-saving mode to urge the pertinent radio mobile terminal to switch the operation mode to the normal mode. (i.e. activate wake-up code; Col.7; 29-34 and Col.7; 52-61)

Novakov doesn't teach specifically, for receiving and discriminating broadcast packets traveling over the communication line addressed to the radio mobile terminal operating in the

power-saving mode and, when a broadcast packet concerning a physical address inquiry is found among the broadcast packets traveling over the communication line addressed to the radio mobile terminal, responding to the broadcast packet as an agent for the radio mobile terminal to solve the physical address inquiry. However, **Larsson** teaches in an analogous art, that for receiving and discriminating broadcast packets traveling over the communication line addressed to the radio mobile terminal operating in the power-saving mode and, when a broadcast packet concerning a physical address inquiry is found among the broadcast packets traveling over the communication line addressed to the radio mobile terminal, responding to the broadcast packet as an agent for the radio mobile terminal to solve the physical address inquiry, (i.e. agent; col.10; 23-61)

As per claims 3, 10, Novakov teaches:

The radio network system according to claims 2, and one of claims 8 and 9, respectively, wherein the solving means for the physical address inquiry responds to the broadcast packet as an agent for the pertinent radio mobile terminal without causing the same broadcast packet to be held in the own station. (Col.5; 8-18)

As per claims 4, 11, Novakov teaches:

The radio network system according to one of claims 1 and 2, and one of claims 8 and 9, respectively, wherein the solving means for the physical address inquiry responds to the broadcast packet as an agent for the pertinent radio mobile terminal without sending out the same broadcast packet to the radio transfer line side. (Col.5; 8-18)

As per claim 5, Novakov teaches:

A radio base station (10; Fig.1) connecting a plurality of radio mobile terminals (26; Fig.1) to a communication line by utilizing radio as data transfer medium (Abstract) comprising:  
Means for managing the radio mobile terminal as to whether the terminal is in a power-saving mode for saving power by intermittent power reception and a normal mode with power received at all times on the basis of a predetermined protocol; (i.e. Upon receipt of the call indication (step 68), the local station 10 sends an activation code to the mobile station 26 (step 70). This activation or wake-up code causes the mobile station to end its power saving mode and to resume an active (working) mode of operation; Col.7; 29-34) and

Means for reporting the reception of the physical address inquiry to the radio mobile terminal operating in the power-saving mode to urge the pertinent radio mobile terminal to switch the operation mode to the normal mode. (i.e. activate wake-up code; Col.7; 29-34 and Col.7; 52-61)

Novakov doesn't teach specifically, means for receiving and discriminating broadcast packets traveling over the communication line addressed to the radio mobile terminal operating in the power-saving mode and, when a broadcast packet concerning a physical address inquiry is found among the broadcast packets traveling over the communication line addressed to the radio mobile terminal, responding to the broadcast packet as an agent for the radio mobile terminal to solve the physical address inquiry. However, **Larsson** teaches in an analogous art, that means for receiving and discriminating broadcast packets traveling over the communication line addressed to the radio mobile terminal operating in the power-saving mode and, when a broadcast packet

concerning a physical address inquiry is found among the broadcast packets traveling over the communication line addressed to the radio mobile terminal, responding to the broadcast packet as an agent for the radio mobile terminal to solve the physical address inquiry, (i.e. agent; col.10; 23-61)

As per claim 6, Novakov teaches:

The radio base station according to claim 5, wherein the solving means for the physical address inquiry responds to the broadcast packet as an agent for the pertinent radio mobile terminal without causing the same broadcast packet to be held in the own station. (Col.5; 8-18)

As per claim 7, Novakov teaches:

The radio base station according to claim 5, wherein the solving means for the physical address inquiry responds to the broadcast packet as an agent for the pertinent radio mobile terminal without sending out the same broadcast packet to the radio transfer line side. (Col.5; 8-18)

#### ***Response to Amendments & Arguments***

Applicant's arguments filed on 06/25/2008 have been fully considered but they are not persuasive.

#### ***Relating to Claim 1:***

In view of the fact, that **LARSSON** teaches, "FIG. 9 illustrates a set of mobile terminal actions that are counterpart to those shown in FIG. 8. The flowchart sequence shown in FIG. 9 can, for example, be inserted into the flowchart sequence of FIG. 4, between steps 434 and 400,

so that steps 900 and 906 in FIG. 9 correspond respectively to steps 434 and 400 of FIG. 4. In step 902, the mobile terminal determines whether a packet it has received from the BS is an ILMI Mirror update request. If yes, then the mobile terminal proceeds to step 904 where it sends a response back to the BS with update information for the ILMI Mirror. From step 904, the mobile terminal proceeds to step 906. If at step 902 the mobile terminal determines that the received packet is not an ILMI Mirror update request, then the mobile terminal proceeds directly from step 902 to step 906.” (Larsson, Col.11; 6-19). Thus, it is evidently, the explanations above is directed to telecommunications systems and methods for encapsulating information associated with a **PACKET**, that positively, edify by **LARSSON**. Hence, it is believed that **LARSSON** still teaches the claimed limitations.

The above arguments also recites for the other independent claims, consequently the response is the same explanation as set forth above with regard to claim 1.

Because the remaining claims depend directly/indirectly, from one of the independent claims discussed above, as a result the response is the same justification as set forth above.

With the intention of that explanation, it is believed and as enlighten above, the refutation are sustained.

### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end

of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000 or

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